

**STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.**

0 Valuation of Security    0 Assumption of Executory Contract or Unexpired Lease    0 Lien Avoidance

**Last revised: December 1, 2017**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In Re: MARK SMITH AND PAMJOI SMITH

Case No.:16-32726

Judge: SLM

Debtor(s)

**Chapter 13 Plan and Motions**

☐ Original

☒ Modified/Notice Required

Date: May 4, 2018

☐ Motions Included

☐ Modified/No Notice Required

**THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE  
YOUR RIGHTS MAY BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: BWR

Initial Debtor:MS

Initial Co-Debtor: PS

**Part 1: Payment and Length of Plan**

a. The debtor shall pay\$2400.00 to date and shall pay\$150.00 per Month to the Chapter 13 Trustee, starting June 1, 2018 for approximately 40 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☒ Other sources of funding (describe source, amount and date when funds are available):Rent and Business Income

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion:

☐ Refinance of real property:

Description:

Proposed date for completion:

☒ Loan modification with respect to mortgage encumbering property:

Description: 905 Woodland Avenue, Union NJ

Proposed date for completion: September 30, 2018

d. ☒ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection ☒ NONE**

- a. Adequate protection payments will be made in the amount of \$ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to (creditor).
- b. Adequate protection payments will be made in the amount of \$ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	\$ 1,750.00 TOGETHER WITH COURT APPROVED FEES
IRS	TAXES	PER ALLOWED CLAIM
DOMESTIC SUPPORT OBLIGATION	N/A	N/A

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:  
Check one:
- ☒ None
- ☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:		
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**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
WELLS FARGO	905 WOODLAND AVENUE, UNION NJ	UNKKNOW		TO BE BROUGH CURRENT THROUGH LOAN MODIFICATION	\$2,600.00
UNITED GUARANTY RESIDENTAL INS. CO	114 S. ARLINGTON AVENUE, EAST ORANGE	\$24,274.60		TO BE BROUGHT CURRENT THROUGH LOAN MODIFICAION	\$341.00

**b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears:** ☒ **NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

**c. Secured claims excluded from 11 U.S.C. 506:** ☒ **NONE**

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

**d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments** ☒ **NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

<p>2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.</p>							
<p><b>e. Surrender</b> <input type="checkbox"/> <b>NONE</b></p> <p>Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:</p>							
Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt				
SETERUS, INC	213 REID STREET, ELIZABETH, NJ	\$75,000.00	PROPERTY BEING SURRENDERED IN FULL AND COMPLETE SATISFACTION OF THE DEBT				
<p><b>f. Secured Claims Unaffected by the Plan</b> <input type="checkbox"/> <b>NONE</b></p> <p>The following secured claims are unaffected by the Plan:</p> <p>DiTech mortgage loan on real property located at 114 South Arlington Avenue East, Orange New Jersey is current and will remain current outside the plan. Toyota Motor Credit car loan is current and will remain current outside the plan.</p>							
<p><b>g. Secured Claims to be Paid in Full Through the Plan:</b> <input checked="" type="checkbox"/> <b>NONE</b></p>							
Creditor	Collateral	Total Amount to be Paid Through the Plan					

**Part 5: Unsecured Claims ☒ NONE**

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

☐ Not less than \$        to be distributed *pro rata*

☐ Not less than    percent

☒ *Pro Rata* distribution from any remaining funds

**b. Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

**Part 6: Executory Contracts and Unexpired Leases ☒ NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

**Part 7: Motions ☒ NONE**

**NOTE:** All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☒ NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured



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**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon confirmation  
☐ Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Administration
- 3) Secured
- 4) Priority
- 5) General Unsecured

**d. Post-Petition Claims**

The Standing Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification ☐ NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: July 18, 2017 .

Explain below **why** the plan is being modified: The debtor were denied a loan modification however, have had a change in finaancil circumstances which allow for a new submittion of request for modification.

Explain below **how** the plan is being modified: to extend the time in which to obtain a loan modification

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

**Part 10: Non-Standard Provision(s): Signatures Required**

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date: May 4, 2018

/s/ BRUCE W. RADOWTIZ, ESQ  
Attorney for the Debtor

Date: May 4, 2018

/s/ Mark Smith

Debtor

Date: May 4, 2018

/s/ Pamjoi Smith

Joint Debtor

**Signatures**

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date: May 4, 2018

/S/ BRUCE W. RADOWITZ, ESQ  
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: May 4, 2018

/s/ Mark Smith  
Debtor

Date: May 4, 2018

/s/ Pamjoi Smith  
Joint Debtor

## Certificate of Notice Page 12 of 13

United States Bankruptcy Court  
District of New JerseyIn re:  
Mark Smith  
Pamjoi Smith  
DebtorsCase No. 16-32726-SLM  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin  
Form ID: pdf901Page 1 of 2  
Total Noticed: 41

Date Rcvd: May 07, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 09, 2018.

db/jdb  
cr +Mark Smith, Pamjoi Smith, 905 Woodland Avenue, Union, NJ 07083-7712  
+Robertson, Anschutz & Schneid, P.L., Bankruptcy Department, 6409 Congress Ave, Suite 100,  
Boca Raton, FL 33487-2853

cr +Seterus, Inc., as authorized sub-servicer for Fede, Stern, Lavinthal & Frankenberg, LLC,  
105 Eisenhower Parkway, Suite 302, Roseland, NJ 07068-1640

516522969 +AHS Overlook Med Ctr Opins 3 c/o, P.D.A.B Inc, 66 Ford Road Suite 114,  
Denville, NJ 07834-1300

516522970 +Atlantic Health Systems, Po Box 35611, Newark, NJ 07193-5611

516522971 #+Capital One c/o, Eltman Law, PC, 101 Hudson St Ste 2702, Jersey City, NJ 07302-3929

516522972 +City of Elizabeth, Department of Public Works, 50 Winfield Scott Plaza,  
Elizabeth, NJ 07201-2408

516522974 +Cornell Hall Care & Rehabilitatiton Cent, c/o Romano & Romano, Esqs, 573 Bloomfield Avenue,  
Verona, NJ 07044-1818

516522976 +Enterprise Recovery Sys, 840 S. Front Age Rd, Woodridge, IL 60517-4900

516522978 +FIA c/o Weinberg & Assoc, 1200 Laurel Oak Road ste 104, Voorhees, NJ 08043-4317

516522977 +Fedloan Servicing, Po Box60610, Harrisburg, PA 17106-0610

516522982 +LVNV Funding c/o, Forster, Garbus & Garbus, 60 Motor Parkway, Commack, NY 11725-5710

516522981 +Liberty Water, Po box 371852, Pittsburgh, PA 15250-7852

516522983 +North Jersey Pediatric Orthopeadic, 140 Chestnut Street, Ste 201, Ridgewood, NJ 07450-2536

516522984 Overlook at Union Imaging c/o, Summit Radiology Assoc, Po Box 1259,  
Port Chester, NY 10573-8000

516522985 +Powers Kirn, 9 East Stow Road, Ste C, Marlton, NJ 08053-3159

516522986 #+Progressive Financial Services, Inc., Po Box 22083, Tempe, AZ 85285-2083

516753195 +Seterus Inc. as servicer for Federal National Mort, P.O. Box 1047, Hartford, CT 06143-1047

516522988 +Seterus c/o Stern Lavinthal, 105 Eisenhower Parkway, Suite 302, Roseland, NJ 07068-1640

516522989 +Summit Radological Asso., dba Westfield Imaging Center, Po Box 460, Summit, NJ 07902-0460

516522990 +TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026  
(address filed with court: Toyota Motor Credit, 5005 N. River Blvd NE,  
Cedar Rapids, IA 52411)

516624577 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013

516719328 U.S. Department of Education, c/o FedLoan Servicing, P.O. Box 69184,  
Harrisburg, PA 17106-9184

516522991 +Union EMA, Po Box 417442, Boston, MA 02241-7442

516522994 +Verizon Wireless c/oMRS, 1930 Olney Avenue, Cherry Hill, NJ 08003-2016

516727246 Wells Fargo Bank, N.A., Attn: Default Document Processing, MAC# N9286-01Y,  
1000 Blue Gentian Road, Eagan, MN 55121-7700

516522995 +Wells Fargo Home Mortgage, Po Box 10335, Des Moines, IA 50306-0335

516522996 +Wells Fargo Mortgage, Po Box 6423, Carol Stream, IL 60197-6423

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usan.j.njbankr@usdoj.gov May 07 2018 23:47:03 U.S. Attorney, 970 Broad St.,  
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreign03.ne.ecf@usdoj.gov May 07 2018 23:47:02 United States Trustee,  
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
Newark, NJ 07102-5235

516522968 +E-mail/Text: bankruptcydepartment@tsico.com May 07 2018 23:47:51  
ADT Security c/o Transworld Systems, 507 Prudential Rad, Horsham, PA 19044-2308

516596769 E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM May 07 2018 23:51:23  
American InfoSource LP as agent for, Verizon, PO Box 248838,  
Oklahoma City, OK 73124-8838

516522973 E-mail/Text: ned-collections\_bankruptcydocuments@comcast.com May 07 2018 23:47:39 Comcast,  
Po Box69, Newark, NJ 07101-0069

516522975 +E-mail/Text: bankruptcy.bnc@ditech.com May 07 2018 23:46:50 DiTech Financial, LLC,  
PO Box 6172, Rapid City, SD 57709-6172

516705394 E-mail/Text: bankruptcy.bnc@ditech.com May 07 2018 23:46:50  
Ditech Financial LLC fka Green Tree Servicing LLC, P.O. Box 6154,  
Rapid City, South Dakota 57709-6154

516522979 E-mail/Text: cio.bncmail@irs.gov May 07 2018 23:46:43 Internal Revenue Service,  
Po Box 7346, Philadelphia, PA 19101-7346

516522980 E-mail/Text: JCAP\_BNC\_Notices@jcap.com May 07 2018 23:47:15 Jefferson Capital Systems, LLC,  
16 McLeand Road, Saint Cloud, MN 56303

516748933 E-mail/PDF: resurgentbknofications@resurgent.com May 07 2018 23:51:35 LVNV Funding LLC,  
c/o Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587

516522992 +E-mail/Text: bankruptcygroup@ugcorp.com May 07 2018 23:47:28 United Guaranty,  
230 North Elm Street, Greensboro, NC 27401-2417

516754779 +E-mail/Text: bankruptcygroup@ugcorp.com May 07 2018 23:47:28  
United Guaranty Residential Ins Co of NC, PO Box 20327, Greensboro, NC 27420-0327

516522993 +E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com May 07 2018 23:46:22  
Verizon Wireless, Po Box 26055, Minneapolis, MN 55426-0055

TOTAL: 13

District/off: 0312-2

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 41

Date Rcvd: May 07, 2018

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

517167551\* Ditech Financial LLC fka Green Tree Servicing LLC, P.O. Box 6154,  
Rapid City, South Dakota 57709-6154  
516522987 ##+Seterus, Po Box 2008, Grand Rapids, MI 49501-2008

TOTALS: 0, \* 1, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.  
While the notice was still deliverable, the notice recipient was advised to update its address with the court  
immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices  
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The  
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner  
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social  
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required  
by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 09, 2018

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)  
system on May 4, 2018 at the address(es) listed below:

Bruce W. Radowitz on behalf of Joint Debtor Pamjoi Smith bradowitz@comcast.net,  
r45676@notify.bestcase.com  
Bruce W. Radowitz on behalf of Debtor Mark Smith bradowitz@comcast.net,  
r45676@notify.bestcase.com  
Denise E. Carlon on behalf of Creditor Toyota Motor Credit Corporation  
dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com  
Denise E. Carlon on behalf of Creditor Ditech Financial LLC dcarlon@kmllawgroup.com,  
bkgroup@kmllawgroup.com  
Jeanette F. Frankenberg on behalf of Creditor SETERUS INC., as servicer for FEDERAL NATIONAL  
MORTGAGE ASSOCIATION cmecf@sternlav.com  
Jeanette F. Frankenberg on behalf of Creditor Seterus, Inc., as authorized sub-servicer for  
Federal National Mortgage Association ('Fannie Mae'), a corporation organized and existing under  
the laws of the United States of America cmecf@sternlav.com  
Laura M. Egerman on behalf of Creditor Ditech Financial LLC bkyecf@rasflaw.com,  
bkyecf@rasflaw.com;legerman@rasnj.com  
Marie-Ann Greenberg magecf@magtrustee.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov  
William M.E. Powers on behalf of Creditor Wells Fargo Bank, N.A. ecf@powerskirn.com  
William M.E. Powers, III on behalf of Creditor Wells Fargo Bank, N.A. ecf@powerskirn.com  
TOTAL: 11